

June 17, 2016

Mr. Henry Leskinen
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, MD 21057

RE: Baltimore Crossroads Area 10-Mary Sue Candies Site
Forest Buffer Variance Request
Tracking # 06-16-2244

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code Article 33 Environmental Protection and Sustainability (EPS), Title 3 Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by this Department on June 2, 2016. If granted, this variance would authorize permanent impacts to approximately 9,600 square feet (sf) of recorded, forested, Forest Buffer and Forest Conservation Easement in order to construct a candy factory and associated parking and loading dock access on part of Lot 2 of Baltimore Crossroads @ 95 Area 10.

This Department has evaluated the request and finds that a practical difficulty in meeting Section 33-3-112 exists given that the buildable area outside of the Forest Buffer Easement on this lot is undersized and would preclude construction of a standard commercial building requiring large truck service to be viable. Specifically, existing deed restrictions dictate a minimum building depth of 160 feet, truck access requires a minimum 120-foot deep truck court (only 80-110 was provided on the approved development plan), employee/visitor parking is necessary in front of the building, and the alignment of the existing interior access road serving the other properties in Area 10 further limits flexibility in site design. Buildable depth between the existing access road and the Forest Buffer Easement varies from about 110 to 335 feet, which does not accommodate these restrictions and requirements without some encroachment into the existing Forest Buffer and Forest Conservation Easement.

We also find that impacts to water quality resulting from the loss of Forest Buffer Easement have been minimized inasmuch as possible through the use of 2:1 slopes and retaining walls to construct the truck court in the rear of the site. Unavoidable impacts would be mitigated at an EPS-approved offsite mitigation bank and would include 12,571 sf of planting to replace the previous mitigation planting for other impacts at Baltimore Crossroads @ 95 that would be permanently impacted by this construction.

Mr. Henry Leskinen
Baltimore Crossroads Area 10-Mary Sue Candies Site
Forest Buffer Variance Request
June 17, 2016
Page 2

Based on these findings, we find that the variance criteria are met. Therefore, the requested variance is hereby approved in accordance with Section 33-3-106 with the following conditions:

1. There shall be no further reduction of the Forest Buffer Easement for this development project. The limit of disturbance shall not encroach into the Forest Buffer Easement beyond that shown on an EPS-approved grading and sediment control plan.
2. The 9,600 square feet of impact to forested Forest Buffer shall be mitigated at 2:1, and the existing mitigation plantings replaced. To that end, 31,770 square feet (0.73 acre) of forest buffer mitigation credit shall be purchased from an EPS-approved mitigation bank prior to EPS approval of any grading permit. A letter authorizing the purchase of this credit is enclosed for your client's use.
3. Prior to issuance of any permit, the remaining Forest Buffer and Forest Conservation Easement shall be posted with "Forest Buffer-Do Not Disturb" signs at 75 foot intervals or any turn in the buffer limit.
4. The record plat and development plan for Area 10 must be revised to show the reduced Forest Buffer and Forest Conservation Easement.
5. The following note must be on all plans for this project:

A variance was granted to the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains by Baltimore County EPS on June 17, 2016. The Forest Buffer shown hereon is reflective of this variance approval. Conditions were placed on this variance to minimize impacts to water quality including offsite buffer planting and onsite permanent posting of the remaining Forest Buffer Easement.

6. A forest buffer protection plan (FBPP) that reflects the conditions of this variance shall be submitted to EPS and approved prior to grading and sediment control plan approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the person(s) responsible for meeting the conditions of the variance approval sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

Mr. Henry Leskinen
Baltimore Crossroads Area 10-Mary Sue Candies Site
Forest Buffer Variance Request
June 17, 2016
Page 3

If you have any questions regarding this correspondence, please call Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

Enclosure

c. Mr. Edward Brady III, BC Area 10 Lot 1 LLC

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner's Signature

Date

Printed Name

Contract Purchaser's Signature

Date

Printed Name